

120001618

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX GAS COMPANY LLC) VIRGINIA GAS
) AND OIL BOARD
RELIEF SOUGHT: RE-POOLING OF INTERESTS IN)
DRILLING UNIT W-34 LOCATED) DOCKET NO.
IN THE OAKWOOD COALBED METHANE GAS) 97-0318-0571-06
FIELD II PURSUANT TO VA. CODE)
§§ 45.1-361.21 AND 45.1-361.22, FOR)
THE PRODUCTION OF OCCLUDED NATURAL)
GAS PRODUCED FROM COALBEDS AND ROCK)
STRATA ASSOCIATED THEREWITH (herein)
Collectively referred to as)
"Coalbed Methane Gas" or "Gas"))
LEGAL DESCRIPTION:)
)
)
DRILLING UNIT NUMBER W-34)
(herein "Subject Drilling Unit"))
IN THE OAKWOOD COALBED METHANE GAS FIELD II)
GARDEN MAGISTERIAL DISTRICT,)
KEEN MOUNTAIN QUADRANGLE)
BUCHANAN COUNTY, VIRGINIA)
(the "Subject Lands" are more)
particularly described on Exhibit A,)
attached hereto and made a part hereof)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. Hearing Date and Place: This matter came for final hearing before the Virginia Gas and Oil board (hereafter "Board") at 9:00 a.m. on April 26, 2011 at the at the Russell County Conference Center, Lebanon, Virginia.

2. Appearances: Mark Swartz, Esquire, of the firm Swartz & Stump, L.C., appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.

3. Jurisdiction and Notice: Pursuant to Va. Code §§ 45.1-361.1 et seq., the Board finds that it has jurisdiction over the subject matter. Based upon the evidence presented by Applicant, the Board also finds that the Applicant has (1) exercised due diligence in conducting a search of the reasonably available sources to determine the identity and whereabouts of gas and oil owners, coal owners, mineral owners and/or potential owners, i.e., persons identified by Applicant as having ("Owner") or claiming ("Claimant") the rights to Coalbed Methane Gas in all coal seams below the Tiller Seam, including the Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, War Creek, Lower Horsepen, Pocahontas No. 9, Pocahontas No. 8, Pocahontas No. 7, Pocahontas No. 6, Pocahontas No. 5, Pocahontas No. 4, Pocahontas No. 3, Pocahontas No. 2 and various

unnamed coal seams and rock strata associated therewith (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands; (2) represented it has given notice to those parties (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by Va. Code §§ 45.1-361.19 and 45.1-361.22, to notice of the Application filed herein; and (3) that the persons set forth in their Application and Notice of Hearing have been identified by Applicant through its due diligence as Owners of Claimants of Coalbed Methane Gas interests in Subject Formation, in Subject Drilling Unit and that the persons identified in Exhibit B-3 attached hereto are persons identified by Applicant who may be Owners or Claimants of Coalbed Methane Gas interests in Subject Formation who have not heretofore agreed to lease or sell to the Applicant and/or voluntarily pool their Gas interests. Conflicting Gas Owners/Claimants in Subject Drilling Unit are listed on Exhibit E. Further, the Board has caused notice of this hearing to be published as required by Va. Code § 45.1-361.19.B. Whereupon, the Board hereby finds that the notices given herein satisfy all statutory requirements, Board rule requirements and the minimum standards of due process.

4. Amendments: Exhibits E & EE

5. Dismissals:

6. Relief Requested: Applicant requests (1) that pursuant to Va. Code § 45.1-361.22, including the applicable portions of Va. Code § 45.1-361.21, the Board pool all the rights, interests and estates in and to the Gas in Subject Drilling Unit, including the pooling of the interests of the Applicant and of the known and unknown persons named in Exhibit B-3 hereto and that of their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, for the drilling and operation, including production, of Coalbed Methane Gas, produced from or allocated to the Subject Drilling Unit established for the Subject Formation underlying and comprised of the Subject Lands, (hereafter sometimes collectively identified and referred to as "Well Development and/or Operation in the Subject Drilling Unit"), and (2) that the Board designate CNX Gas Company LLC as Unit Operator.

7. Relief Granted: The Applicant's requested relief in this cause shall be and hereby is granted: (1) Pursuant to Va. Code § 45.1-361.21.C.3, CNX Gas Company LLC (hereafter "Unit Operator") is designated as the Unit Operator authorized to drill and operate the Coalbed Methane Gas well in the Subject Drilling Unit at the location depicted on the plat attached hereto as Exhibit A, subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; to the Oakwood Coalbed Methane Gas Field II Order docket number VGOB 91-1119-162, effective December 17, 1991; to §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; and to §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations, all as amended from time to time, and (2) all the interests and estates in and to the Gas in Subject Drilling Unit, including that of the Applicant and of the known and unknown persons listed on Exhibit B-3, attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, be and hereby are pooled in the Subject Formation in the Subject Drilling Unit

underlying and comprised of the Subject Lands.

Pursuant to the Oakwood II Field Rules promulgated under the authority of Va. Code § 45.1-361.20, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for the production of Coalbed Methane Gas, dependent on the particular long wall mining plan applicable to each 80-acre drilling unit. The Designated Operator of any 80-acre drilling unit or units within the boundaries, of which any long wall panel which has been isolated by the driving of entries is located and from which Unsealed Gob Gas, Short Hole Gas or Gas from any Well authorized by the Code of Virginia is produced, shall calculate production and revenue based upon the mine plan as implemented within each affected 80-acre drilling unit and in particular, based upon the mineral acreage, as platted upon the surface, in each 80-acre drilling unit actually contained within a long wall panel as depicted by said mine plan. Except as otherwise provided herein, a copy of the pertinent portion of the mine plan being utilized to calculate production, revenue and costs from any affected 80-acre drilling unit shall be filed of record with the Board prior to the payment of any revenue based upon such calculations.

The formula or division of interest for production from any 80-acre drilling unit affected by a long wall panel and from any; separately owned tract in any such 80-acre unit shall be calculated as follows:

- 7.1 For Short Hole Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.
- 7.2 For Unsealed Gob Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.
- 7.3 a. For Gas from Any Well Located in a Long Wall Panel - After actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, the amount of Gas produced from such a well and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected 80-acre drilling unit and the isolated long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.

b. For Frac Well Gas - Prior to the actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, Gas from any well located in a proposed long wall panel shall be produced from and allocated to only the 80-acre drilling unit in which the well is located according to the undivided interests of each Owner/Claimant within the unit, which undivided interest shall be the ratio (expressed as a percentage) that the amount of mineral acreage within each separate tract that is within the Subject Drilling Unit, when platted on the surface, bears to the total mineral acreage, when platted on the surface, contained within the entire 80-acre drilling unit in the manner set for the in the Oakwood I Field Rules.

8. Election and Election Period: In the event any Owner or Claimant named in Exhibit B-3 hereto does not reach a voluntary agreement to share in the operation of the well located in the Subject Drilling Unit, at a rate of payment mutually agreed to by said Gas Owner or Claimant and the Unit Operator, then such person named may elect one of the options set forth in Paragraph 9 below and must give written notice of his election of the option selected under Paragraph 9 to the designated Unit Operator at the address shown below within thirty (30) days from the date of receipt of a copy of this Order. A timely election shall be deemed to have been made if, on or before the last day of said 30-day period, such electing person has delivered his written election to the designated Unit Operator at the address shown below or has duly postmarked and placed its written election in first class United States mail, postage prepaid, addressed to the Unit Operator at the address shown below.

9. Election Options:

9.1 Option 1 - To Participate In The Well Development and Operation of the Drilling Unit: Any Gas Owner or Claimant named in Exhibit B-3 who does not reach a voluntary agreement with the Unit Operator may elect to participate in the Well Development and Operation in the Subject Drilling Unit (hereafter "Participating Operator") by agreeing to pay the estimate of such Participating Operator's proportionate part of the actual and reasonable costs of the Well Development contemplated by this Order for Gas produced pursuant to the Oakwood II Field Rules, including a reasonable supervision fee, as more particularly set forth in Virginia Gas and Oil Board Regulation 4 VAC 25-160-100 (herein "Completed-for-Production Costs"). Further, a Participating Operator agrees to pay the estimate of such Participating Operator's proportionate part of the Completed-for-Production Cost as set forth below to the Unit Operator within forty-five (45) days from the later of the date of mailing or the date of recording of this Order. The Completed-for-Production Cost for the Subject Drilling Unit is as follows:

Completed-for-Production Cost:	Panel 11-East	\$ 2,491.80
	Panel 12-East	\$111,006.17
	Panel 13-East	\$ 62,359.61
	Panel 4-East	\$ 14,430.02
	Total	\$190,287.59

Any gas owner and/or claimants named in Exhibit B-3, who elect this option (Option 1) understand and agree that their initial payment under this option is for their proportionate share of the Applicant's estimate of actual costs and expenses. It is also understood by all persons electing this option that they are agreeing to pay their proportionate share of the actual costs and expenses as determined by the Operator named in this Board Order.

A Participating Operator's proportionate cost hereunder shall be the result obtained by multiplying the Participating Operators' "Interest in Unit" times the Completed-for-Production Cost set forth above. Provided, however, that in the event a Participating Operator elects to participate and fails or refuses to pay the estimate of his proportionate part of the Completed-for-Production Cost as set forth above, all within the time set forth herein and in the manner prescribed in Paragraph 8 of this Order, then such Participating Operator shall be deemed to have elected not to participate and to have elected compensation in lieu of participation pursuant to Paragraph 9.2 herein.

9.2 Option 2 - To Receive A Cash Bonus Consideration: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above, any Gas Owner or Claimant named in Exhibit B-3 hereto who does not reach a voluntary agreement with the Unit Operator may elect to accept a cash bonus consideration of \$5.00 per net mineral acre owned by such person, commencing upon entry of this Order and continuing annually until commencement of production from Subject Drilling Unit, and thereafter a royalty of 1/8th of 8/8ths [twelve and one-half percent (12.5%)] of the net proceeds received by the Unit Operator for the sale of the Coalbed Methane Gas produced from any Well Development and Operation covered by this Order multiplied by that person's Interest in Unit or proportional share of said production [for purposes of this Order, net proceeds shall be actual proceeds received less post-production costs incurred downstream of the wellhead, including, but not limited to, gathering, compression, treating, transportation and marketing costs, whether performed by Unit Operator or a third person] as fair, reasonable and equitable compensation to be paid to said Gas Owner or Claimant. The initial cash bonus shall become due and owing when so elected and shall be tendered, paid or escrowed within one hundred twenty (120) days of recording of this Order. Thereafter, annual cash bonuses, if any, shall become due and owing on each anniversary of the date of recording of this order in the event production from Subject Drilling Unit has not theretofore commenced, and once due, shall be tendered, paid or escrowed within

sixty (60) days of said anniversary date. Once the initial cash bonus and the annual cash bonuses, if any, are so paid or escrowed, subject to a final legal determination of ownership, said payment(s) shall be satisfaction in full for the right, interests, and claims of such electing person in and to the Gas produced from Subject Formation in the Subject Lands, except, however, for the 1/8th royalties due hereunder.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.2, when so made, shall be satisfaction in full for the right, interests, and claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to and hereby does lease and assign, its right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant.

- 9.3. Option 3 - To Share In The Well Development And Operation As A Non-Participating Person On A Carried Basis And To Receive Consideration In Lieu Of Cash: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above and in lieu of receiving a Cash Bonus Consideration under Paragraph 9.2 above, any Gas Owner or Claimant named in Exhibit B-3 hereto who does not reach a voluntary agreement with the Unit Operator may elect to share in the Well Development and Operation of Subject Drilling Unit on a carried basis (as a "Carried Well Operator") so that the proportionate part of the Completed-for-Production Cost hereby allocable to such Carried Well Operator's interest is charged against such Carried Well Operator's share of production from Subject Drilling Unit. Such Carried Well Operator's rights, interests, and claims in and to the Gas in Subject Drilling Unit shall be deemed and hereby are assigned to the Applicant until the proceeds from the sale of such Carried Well Operator's share of production from Subject Drilling Unit (exclusive of any royalty, excess or overriding royalty, or other non-operating or non cost-bearing burden reserved in any lease, assignment thereof or agreement relating thereto covering such interest) equals three hundred percent (300%) for a leased interest or two hundred percent (200%) for an unleased interest (whichever is applicable) of such Carried Well Operator's share of the Completed-for-Production Cost allocable to the interest of such Carried Well Operator. When the Applicant recoups and recovers from such Carried Well Operator's assigned interest the amounts provided for above, then, the assigned interest of such Carried Well Operator shall automatically revert back to such Carried Well Operator, and from and after such reversion, such Carried Well Operator shall be treated as if it had participated initially under Paragraph 9.1 above; and thereafter, such participating person shall be charged with and shall pay his proportionate part of all further costs of such Well Development and Operation.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.3, when so made, shall be satisfaction in full for the rights, interests, and claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to have and hereby does assign its rights, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant for the period of time during which its interest is carried as above provided prior to its reversion back to such electing person.

10. Failure to Properly Elect: In the event a person named in Exhibit B-3 hereto does not reach a voluntary agreement with the Unit Operator and fails to elect within the time, in the manner and in accordance with the terms of this Order, one of the alternatives set forth in Paragraph 9 above for which his interest qualifies, then such person shall be deemed to have elected not to participate in the proposed Well Development and Operation in Subject Drilling Unit and shall be deemed, subject to a final legal determination of ownership, to have elected to accept as satisfaction in full for such person's right, interests, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which its interest qualifies and shall be deemed to have leased and/or assigned his right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant. Persons who fail to properly elect shall be deemed, subject to a final legal determination of ownership, to have accepted the compensation and terms set forth herein at Paragraph 9.2 in satisfaction in full for the right, interests, and claims of such person in and to the Gas produced from the Subject Formation underlying Subject Lands.

11. Default By Participating Person: In the event a person named in Exhibit B-3 elects to participate under Paragraph 9.1, but fails or refuses to pay, to secure the payment or to make an arrangement with the Unit Operator for the payment of such person's proportionate part of the Completed-for-Production Cost as set forth herein, all within the time and in the manner as prescribed in this Order, then such person shall be deemed to have withdrawn his election to participate and shall be deemed to have elected to accept as satisfaction in full for such person's right, interest, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which his interest qualifies depending on the excess burdens attached to such interest. Whereupon, any cash bonus consideration due as a result of such deemed election shall be tendered, paid or escrowed by Unit Operator within one hundred twenty (120) days after the last day on which such defaulting person under this Order should have paid his proportionate part of such cost or should have made satisfactory arrangements for the payment thereof. When such cash bonus consideration is paid or escrowed, it shall be satisfaction in full for the right, interests, and claims of such person in and to the Gas underlying Subject Drilling Unit in the Subject Lands covered hereby, except, however, for any royalties which would become due pursuant to Paragraph 9.2 hereof.

12. Assignment of Interest: In the event a person named in Exhibit B-3 is unable to reach a voluntary agreement to share in the

Well Development and Operation contemplated by this Order at a rate of payment agreed to mutually by said Owner or Claimant and the Unit Operator, or fails to make an election under Paragraph 9.1 above, then subject to a final legal determination of ownership, such person shall be deemed to have and shall have assigned unto Applicant such person's right, interests, and claims in and to said well, and other share in production to which such person may be entitled by reason of any election or deemed election hereunder in accordance with the provisions of this Order governing said election.

13. Unit Operator (or Operator): CNX Gas Company LLC shall be and hereby is designated as Unit Operator authorized to drill and operate the Coalbed Methane Well in Subject Formation in Subject Drilling Unit, all subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations; the Oakwood Coalbed Gas Field II Order Docket Number VGOB 91-1119-162, all as amended from time to time, and all elections required by this Order shall be communicated to Unit Operator in writing at the address shown below:

CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, WV 24701
Attn: Anita D. Duty

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of the well(s) within the Subject Drilling Unit and/or the well(s) outside the Subject Drilling Unit but from which production is allocated to the Subject Drilling Unit within Seven Hundred and Thirty (730) days from the date of the Order and shall prosecute same with due diligence. If Unit Operator shall not have so commenced and/or prosecuted, then this Order shall terminate, except for any cash sums then payable hereunder; otherwise, unless sooner terminated by Order of the Board, this Order shall expire at 12:00 P.M. on the date on which all wells covered by the Order and/or all wells from which production is allocated to the Subject Drilling Unit are permanently abandoned and plugged. However, in the event an appeal is taken from this Order, then the time between the filing of the petition for appeal and the final Order of the Circuit Court shall be excluded in calculating the two-year period referred to herein.

15. Operator's Lien: Unit Operator, in addition to the other rights afforded hereunder, shall have a lien and a right of set off on the Gas estates, rights, and interests owned by any person subject hereto who elects to participate under Paragraph 9.1 in the Subject Drilling Unit to the extent that costs incurred in the drilling or operation on the Subject Drilling Unit are chargeable against such person's interest. Such liens and right of set off shall be separable as to each separate person and shall remain liens until the Unit Operator drilling or operating any well covered hereby has been paid the full amounts due under the terms of this Order.

16. Escrow Provisions:

The Applicant represented to the Board that there are

unknown or unlocatable claimants in Tract(s) 4F of the Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.1 hereof in the Subject Drilling Unit; and, the Unit Operator has represented to the Board that there are conflicting claimants in Tract(s) 4A, 4B, 4F, 4G and 6 of Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.2 hereof. Therefore, by this Order, the Escrow Agent named herein or any successor named by the Board, is required to establish an interest-bearing escrow account for Tract(s) 4A, 4B, 4F, 4G and 6 Subject Drilling Unit (herein "Escrow Account"), and to receive and account to the Board pursuant to its agreement for the escrowed funds hereafter described in Paragraphs 16.1 and 16.2:

Debbie Davis, Trust Officer
First Bank & Trust Company
38 East Valley Drive
Bristol, VA 24201

16.1. Escrow Provisions For Unknown or Unlocatable Persons: If any payment of bonus, royalty payment or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be located or is unknown, then such cash bonus, royalty payment, or other payment shall not be commingled with any funds of the Unit Operator and, pursuant to Va. Code § 45.1-361.21.D, said sums shall be deposited by the Unit Operator into the Escrow Account, commencing within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made, by use of a report format approved by the Inspector, by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are being deposited. Such funds shall be held for the exclusive use of, and sole benefit of the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board in accordance with Va. Code § 45.1-361.21.D.

16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be made certain due to conflicting claims of ownership and/or a defect or cloud on the title, then such cash bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment, together with Participating Operator's Proportionate Costs paid to Unit Operator pursuant to Paragraph 9.1 hereof, if any, (1) shall not be commingled with any funds of the Unit Operator; and (2) shall, pursuant to Va. Code §§ 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4, be deposited by the Operator into the Escrow Account within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are subject to deposit.

Such funds shall be held for the exclusive use of, and sole benefit of, the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board.

17. Special Findings: The Board specifically and specially finds:

17.1. CNX Gas Company LLC, a Virginia limited liability company is duly authorized and qualified to transact business in the Commonwealth of Virginia;

17.2. CNX Gas Company LLC has the authority to explore, develop and maintain the properties and assets, now owned or hereafter acquired, consented to serve as Coalbed Methane Gas Unit Operator for Subject Drilling Unit and to faithfully discharge the duties imposed upon it as Unit Operator by statute and regulations;

17.3. CNX Gas Company LLC is an operator in the Commonwealth of Virginia, and has satisfied the Board's requirements for operations in Virginia;

17.4. CNX Gas Company LLC claims ownership of gas leases, Coalbed Methane Gas leases, and/or coal leases representing 98.0315 percent of the oil and gas interest/claims in and to Coalbed Methane Gas and 99.9875 percent of the coal interest/claims in and to Coalbed Methane Gas in Subject Drilling Unit; and, Applicant claims the right to explore for, develop and produce Coalbed Methane Gas from Subject Formations in Subject Drilling Unit in Buchanan County, Virginia, which Subject Lands are more particularly described in Exhibit A;

17.5. The estimated total production from Subject Drilling Unit is 125 MMCF to 550 MMCF. The estimated amount of reserves from the Subject Drilling Unit is 125 MMCF to 550 MMCF;

17.6. Set forth in Exhibit B-3, is the name and last known address of each Owner or Claimant identified by the Applicant as having or claiming an interest in the Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying and comprised of Subject Lands, who has not, in writing, leased to the Applicant or the Unit Operator or agreed to voluntarily pool his interests in Subject Drilling Unit for its development. The interests of the Respondents listed in Exhibit B-3 comprise 1.9685 percent of the oil and gas interests/claims in and to Coalbed Methane Gas and 0.0125 percent of the coal interests/claims in and to Coalbed Methane Gas in Subject Drilling Unit;

17.7. Applicant's evidence established that the fair, reasonable and equitable compensation to be paid to any person in lieu of the right to participate in the Wells are those options provided in Paragraph 9 above;

17.8. The relief requested and granted is just and reasonable, is

supported by substantial evidence and will afford each person listed and named in Exhibit B-3 hereto the opportunity to recover or receive, without unnecessary expense, such person's just and fair share of the production from Subject Drilling Unit. The granting of the Application and relief requested therein will ensure to the extent possible the greatest ultimate recovery of Coalbed Methane Gas, prevent or assist in preventing the various types of waste prohibited by statute and protect or assist in protecting the correlative rights of all persons in the subject common sources of supply in the Subject Lands. Therefore, the Board is entering an Order granting the relief herein set forth.

18. Mailing Of Order And Filing Of Affidavit: Applicant or its Attorney shall file an affidavit with the Secretary of the Board within sixty (60) days after the date of recording of this Order stating that a true and correct copy of said Order was mailed within seven (7) days from the date of its receipt by Unit Operator to each Respondent named in Exhibit B-3 pooled by this Order and whose address is known.

19. Availability of Unit Records: The Director shall provide all persons not subject to a lease with reasonable access to all records for Subject Drilling Unit which are submitted by the Unit Operator to said Director and/or his Inspector(s).

20. Conclusion: Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

21. Appeals: Appeals of this Order are governed by the provisions of Va. Code Ann. § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court.

22. Effective Date: This Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

Effective Date:

This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 26 day of June, 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 26th day of June, 2012 BY Order of the Virginia Gas and Oil Board.

Rick Cooper
Rick Cooper, Principal Executive to the Staff
Virginia Gas and Oil Board

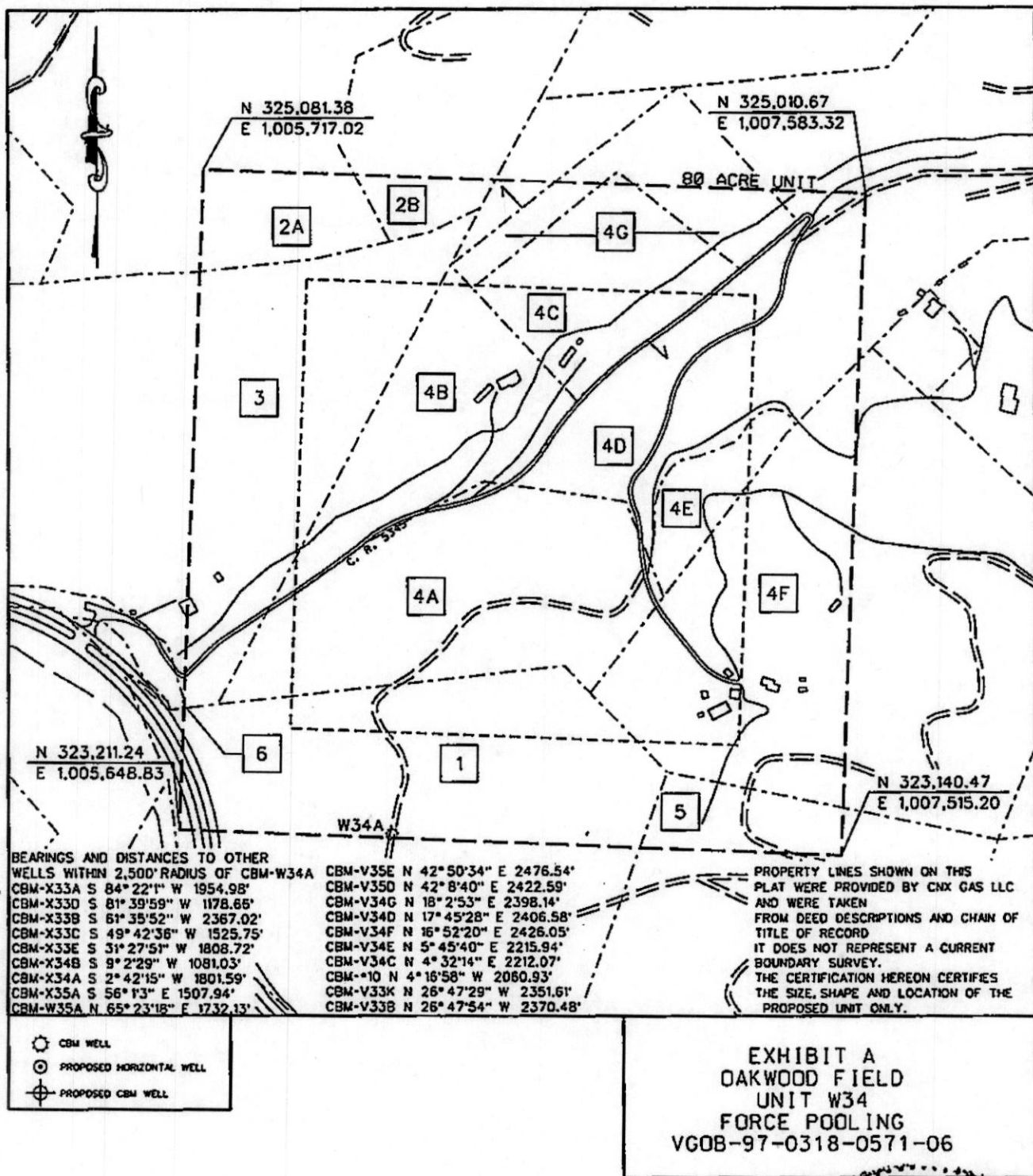
COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL)

Acknowledged on this 26th day of June, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.

Diane J. Davis
Diane J. Davis, Notary Public #174394

My commission expires: 09/30/2013

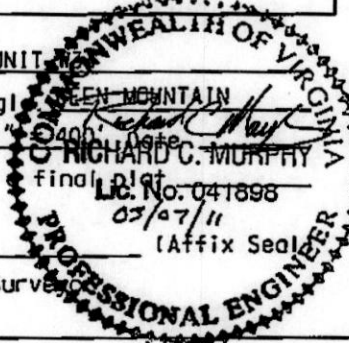




Company CNX Gas Company LLC Well Name and Number UNIT W34
 Tract No. Elevation Quadrangle GREEN MOUNTAIN
 County BUCHANAN District GARDEN Scale: 1" = 400'
 This plat is a new plat X ; on an updated plat ; or a final plat

Form DGO-GO-7
Rev. 9/91

Richard C. Murphy
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT W 34

Tract Identification

1. Consolidation Coal Company, et al Big Vein Tr. 94 (24.53 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
Highland Resources/North American Resources Corporation, et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberland, et al – CBM
CNX Gas Company LLC –CBM Leased
CNX Gas Company LLC, et al - Surface
12.78 Acres 15.9750%
2. Consolidation Coal Company, et al Big Vein Tr. 6 (251.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
Highland Resources/North American Resources Corporation, et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberland, et al – CBM
CNX Gas Company LLC –CBM Leased
3.81 Acres 4.7625%
- 2A. Carlos Stillwell, et al – Surface
2B. Dewey Rowe – Surface
3. Hurt-McGuire Land Trust (J.W. Dixon 162.00 Acre Tract) – Fee
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
12.06 Acres 15.0750%
- 4A. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Effie Davis Heirs – Surface, Oil and Gas
CNX Gas Company, LLC – Oil, Gas and CBM Leased
11.22 Acres 14.0250%
- 4B. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Dora A. Shelton – Surface, Oil and Gas
CNX Gas Company, LLC – Oil, Gas and CBM Leased
6.54 Acres 8.1750%
- 4C. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Carl Davis – Surface, Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
5.47 Acres 6.8375%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

CNX Gas Company LLC

UNIT W 34

Tract Identification

- 4D. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Dewey Rowe – Surface, Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
9.75 Acres 12.1875%
- 4E. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Dewey Rowe – Surface, Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
1.87 Acres 2.3375%
- 4F. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
O.H. Keen Heirs – Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased (86.8615%)
Dewey Rowe - Surface
11.91 Acres 14.8875%
- 4G. Hurt-McGuire Land Trust (Lewis Osborne 628.41 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal below Tiller Seam Leased
Jewell Smokeless Coal Company – Tiller and above Coal Leased
CNX Gas Company LLC – CBM Leased
Johnnie B. Keen, et ux – Surface, Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
2.42 Acres 3.0250%
5. Consolidation Coal Company, et al Big Vein Tr. 95 (37.09 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
Highland Resources/North American Resources Corporation, et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberland, et al – CBM
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC, et al - Surface
2.16 Acres 2.7000%
6. Commonwealth of Virginia – Fee except Coal in P-3 Seam
Consolidation Coal Company – P-3 Seam
0.01 Acres 0.0125%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit B-3
Unit W-34
Docket #VGOB-97-0318-0571-06
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
I. COAL OWNERSHIP						
<u>Tract #6, 0.01 acres</u>						
(1) Commonwealth of Virginia (Except Coal in P-3 Seam) Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.01 acres	0.0125%	0.00006%	0.00002%	0.00094%	0.00053%
II. OIL & GAS OWNERSHIP						
<u>Tract #4F, 11.91 acres</u>						
O.H. Keen Heirs, Devisees, Successors or Assigns	11.91 acres	14.8875%	0.09990%	0.02523%	1.12421%	0.63154%
(3) Mary Elizabeth & Linkous W. Horn Heirs, Devisees, Successors or Assigns						
(a) Arizona Osborne Heirs, Devisees, Successors or Assigns						
(a.1) Martha Williams 1911 McVitty Road Salem, VA 24153	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%
(a.2) Sydney Smith 1977 McVitty Road Salem, VA 24153	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%
(a.3) Kenneth Osborne 848 Peyton Street Roanoke, VA 24019	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%
(b) Lydia Bell Osborne Deel Blankenship Heirs, Devisees, Successors or Assigns						
(b.1) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.6) Clifford Heirs, Devisees, Successors or Assigns						
(b.6.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.9) Richard Osborne P.O. Box 585 Keen Mountain, VA 24624	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(c) Henry Horn Heirs, Devisees, Successors or Assigns						
(c.1) Peery W. Horn P.O. Box 33 Raven, VA 24639	0.028 acres 1/420 of 11.91 acres	0.0354%	0.00024%	0.00006%	0.00268%	0.00150%
(c.2) Larry M. Horn Heirs, Devisees, Successors or Assigns (Interest to siblings)						
(d) Thelma Osborne P.O. Box 33 Raven, VA 24639	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(e) Joseph P. Horn 492 Gray Branch Road Cedar Bluff, VA 24609	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(f) Nancy H. Stilwell 147 Rasnake Road N. Tazewell, VA 24630	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%

Exhibit B-3
Unit W-34
Docket #VGOB-97-0318-0571-06
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(h) Martha E. Smith P.O. Box 395 Max Meadows, VA 24360	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(i) Sarah K. Day P.O. Box 208 Peterstown, WV 24963	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(j) Carl Horn Heirs, devisees, Successors or Assigns						
(j.1) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(7) James Henry Keen Heirs, devisees, Successors or Assigns						
(g) Hester Brown Heirs, devisees, Successors or Assigns Heirs Unknown	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%
<u>Tract #6, 0.01 acres</u>						
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.01 acres	0.0125%	0.00008%	0.00002%	0.00094%	0.00053%

Exhibit E
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants that require escrow

	Acres In Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
<u>Tract #4A, 11.22 acres</u>						
<u>COAL OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborne 628.41 Acre Tract)	11.22 acres	14.0250%	0.09411%	0.02377%	1.05908%	0.59495%
<u>OIL & GAS OWNERSHIP</u>						
(1) Effie Davis Heirs, Devisees, Successors or Assigns (Heirs Pending Documentation)						
(a) Curtis Wesley Davis (Power of Attorney, dated 5/4/98) 12021 Solon Drive Orlando, FL 32826	11.22 acres	14.0250%	0.09411%	0.02377%	1.05908%	0.59495%
NOTE: There is an Assignment of Lease Benefits of Oil, Gas and Coalseam Gas Lease, dated 5/7/05, between Curtis Wesley Davis and Dewey Rowe, whereby the benefits/royalties under the lease were assigned to Dewey Rowe (DB 620-481). According to email from David Altizer dated 1/12/2011 this property is not subject to the Civil Action Case #CL000138-00 executed August 30, 2005 by plaintiff Dewey Rowe. Due to conflict with Coal Owner - Royalties are currently to be escrowed.						
<u>Tract #4B, 6.54 acres</u>						
<u>COAL OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborne 628.41 Acre Tract)	6.54 acres	8.1750%	0.05486%	0.01388%	0.61733%	0.34879%
<u>OIL & GAS OWNERSHIP</u>						
(1) Vonda Davis (By Deed of Gift dated 9/25/02 to Dora Ann Shelton)	6.54 acres	8.1750%	0.05486%	0.01388%	0.61733%	0.34879%
(a) Dora Ann Shelton PO Box 56 Shortt Gap, VA 24547						
<u>Tract #4F, 11.91 acres</u>						
<u>COAL OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborne 628.41 Acre Tract)	11.91 acres	14.8875%	0.09990%	0.02523%	1.12421%	0.63154%
<u>OIL & GAS OWNERSHIP</u>						
O.H. Keen Heirs, Devisees, Successors or Assigns	11.91 acres	14.8875%	0.09990%	0.02523%	1.12421%	0.63154%
(3) Mary Elizabeth & Linkous W. Horn Heirs, Devisees, Successors or Assigns						
(a) Arizona Osborne Heirs, Devisees, Successors or Assigns						
(a.1) Martha Williams 1911 McVitty Road Salem, VA 24153	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%
(a.2) Sydney Smith 1977 McVitty Road Salem, VA 24153	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%
(a.3) Kenneth Osborne 848 Peyton Street Roanoke, VA 24019	0.057 acres 1/210 of 11.91 acres	0.0709%	0.00048%	0.00012%	0.00535%	0.00301%

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Exhibit E
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(b.1) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.7) Ronnie Osborne *** Box 12 Oakwood, VA 24631	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
*** NOTE: Royalty Split was executed, but the VGOB approved to withhold the Disbursement at the April 19, 2005 hearing.						
(c) Henry Horn Heirs, Devisees, Successors or Assigns						
(c.1) Peery W. Horn P.O. Box 33 Raven, VA 24639	0.037 acres 1/323 of 11.91 acres	0.0461%	0.00031%	0.00008%	0.00348%	0.00196%
(c.2) Larry M. Horn Heirs, Devisees, Successors or Assigns (Interest to siblings)						
(c.3) Ivory Horn Heirs, Devisees, Successors or Assigns						
(c.3.1) Margie Dye 784 Big Creek Road Richlands, VA 24641	0.035 acres 24/8173 of 11.91 acres	0.0437%	0.00029%	0.00007%	0.00330%	0.00185%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						
(c.3.3) Tammy Boyd Street 195 Taylor Circle Raven, VA 24639	0.035 acres 24/8173 of 11.91 acres	0.0437%	0.00029%	0.00007%	0.00330%	0.00185%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						
(c.3.4) Patricia Horton 200 Birch Street Raven, VA 24639	0.009 acres 1/1260 of 11.91 acres	0.0118%	0.00008%	0.00002%	0.00089%	0.00050%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						
(d) Theima Osborne P.O. Box 33 Raven, VA 24639	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(f) Nancy H. Stowell 147 Rasnake Road N. Tazewell, VA 24630	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						
(g) Earnest Horn Heirs, Devisees, Successors or Assigns						
(g.1) Dorothy Horn Heirs, Devisees, Successors or Assigns						
(g.1.1) Wesley D. Perkins 305 Bane Bottom Ave Cedar Bluff, VA 24609	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(h) Martha E. Smith P.O. Box 385 Max Meadows, VA 24360	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						

Exhibit E
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(f) Sarah K. Day P.O. Box 208 Petersburg, WV 24963	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
Note: Although a royalty split has been signed, do not place on pay until a disbursement order has been received. Escrow still needs to be sent to First Bank and Trust until further notice						
(j) Carl Horn Heirs, devisees, Successors or Assigns						
(j.1) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(7) James Henry Keen Heirs, devisees, Successors or Assigns						
(g) Hester Brown Heirs, devisees, Successors or Assigns Heirs Unknown	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%

Tract #4G, 2.42 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborn 628.41 Acre Tract)	2.42 acres	3.0250%	0.02030%	0.00513%	0.22843%	0.12832%
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OIL & GAS OWNERSHIP

(1) Johnnie B. Keen, et ux. P.O. Box 15 Pounding Mill, VA 24637	2.42 acres	3.0250%	0.02030%	0.00513%	0.22843%	0.12832%
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Tract #5, 0.01 acres

Escrow 28.6716% of this tract for P3 Seam Conflict

COAL OWNERSHIP

(1) Commonwealth of Virginia (Except Coal in P-3 Seam) Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.01 acres	0.0125%	0.00008%	0.00002%	0.00094%	0.00053%
(2) Consolidation Coal Company (P-3 Seam Only) 10545 Riverside Dr. Oakwood, VA 24631						

OIL & GAS OWNERSHIP

(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.01 acres	0.0125%	0.00008%	0.00002%	0.00094%	0.00053%
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Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
<u>Tract #4C, 5.47 acres</u>						
<u>COAL OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborne 628.41 Acre Tract)	5.47 acres	6.8375%	0.04588%	0.01159%	0.51633%	0.29005%
<u>OIL & GAS OWNERSHIP</u>						
(1) Carl Davis P.O. Box 343 Doran, VA 24612	5.47 acres	6.8375%	0.04588%	0.01159%	0.51633%	0.29005%
<u>Tract #4F, 11.91 acres</u>						
<u>COAL OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805 (Lewis Osborne 628.41 Acre Tract)	11.91 acres	14.8875%	0.09990%	0.02523%	1.12421%	0.63154%
<u>OIL & GAS OWNERSHIP</u>						
O.H. Keen Heirs, Devisees, Successors or Assigns	11.91 acres	14.8875%	0.09990%	0.02523%	1.12421%	0.63154%
(1) Stella Keen Clifton Heirs, Devisees, Successors or Assigns						
(a) Jean Davis 4871 Riverside Dr. Raven, VA 24639	0.340 acres 1/35 of 11.91 acres	0.4254%	0.00285%	0.00072%	0.03212%	0.01804%
(b) Guster Clifton 1303 John Clifton Road, Apt 2 Raven, VA 24639	0.340 acres 1/35 of 11.91 acres	0.4254%	0.00285%	0.00072%	0.03212%	0.01804%
(c) Jerrell Clifton P.O. Box 668 John Clifton Road Oakwood, VA 24631	0.340 acres 1/35 of 11.91 acres	0.4254%	0.00285%	0.00072%	0.03212%	0.01804%
(d) Deida Alderson 4701 Florist Road NW Roanoke, VA 24012	0.340 acres 1/35 of 11.91 acres	0.4254%	0.00285%	0.00072%	0.03212%	0.01804%
(e) Andrew Short Heirs, Devisees, Successors or Assigns						
(e.1) Ruby G. Short Winesett 1341 Johnsbury Court NE Roanoke, VA 24109	0.340 acres 1/35 of 11.91 acres	0.4254%	0.00285%	0.00072%	0.03212%	0.01804%
(2) Harve Keen Heirs, Devisees, Successors or Assigns						
(a) Pansy Church 2946 Baptist Valley Cedar Bluff, VA 24609	1.701 acres 1/7 of 11.91 acres	2.1268%	0.01427%	0.00360%	0.16060%	0.09022%
(3) Mary Elizabeth & Linkous W. Horn Heirs, Devisees, Successors or Assigns						
(b) Lydia Bell Osborne Deel Blankenship Heirs, Devisees, Successors or Assigns						
(b.3) Patsy Moore 9885 Osborne Mountain Road Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.4) Brenda Sue Justice PO Box 522 Keen Mountain, VA 24624	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.5) James Osborne P.O. Box 484 Keen Mountain, VA 24624	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%

Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(b.8) Clifford Heirs, Devisees, Successors or Assigns						
(b.8.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.8) Charles M. Osborne 216 Plantation Road Richlands, VA 24641	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.9) Richard Osborne P.O. Box 585 Keen Mountain, VA 24824	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.10) William Osborne Heirs, Devisees, Successors or Assigns						
(b.10.1) Joyce Lineberry Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(b.11) John David Osborne Heirs, Devisees, Successors or Assigns						
(b.11.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.015 acres 1/770 of 11.91 acres	0.0193%	0.00013%	0.00003%	0.00146%	0.00082%
(c) Henry Horn Heirs, Devisees, Successors or Assigns						
(c.3.2) Nellie Maynard Box 296 Raven, VA 24639	0.035 acres 24/8173 of 11.91 acres	0.0437%	0.00029%	0.00007%	0.00330%	0.00185%
(c.3.5) Danny Elder PO Box 748 Raven, VA 24639	0.009 acres 1/1260 of 11.91 acres	0.0118%	0.00008%	0.00002%	0.00089%	0.00050%
(c.3.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.009 acres 1/1260 of 11.91 acres	0.0118%	0.00008%	0.00002%	0.00089%	0.00050%
(e) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.170 acres 1/70 of 11.91 acres	0.2127%	0.00143%	0.00036%	0.01606%	0.00902%
(4) William David Lewis Keen Heirs, Devisees, Successors or Assigns						
(a) Edward Keen RL4 Box 159 Bluefield, WV 24701	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(b) Homer Keen 1771 Heidelberg School Road Stuart, VA 24171	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(c) Virginia Ball Heirs, Devisees, Successors or Assigns						
(c.1) Carol Anita Davis 202 Cliff Street, Lot #12 Richlands, VA 24641	0.071 acres 1/168 of 11.91 acres	0.0886%	0.00059%	0.00015%	0.00669%	0.00376%
(c.2) Richard Ball 149 Chestnut Street Fieldale, VA 24089	0.071 acres 1/168 of 11.91 acres	0.0886%	0.00059%	0.00015%	0.00669%	0.00376%
(c.3) Carl Ball 1182 Longview Drive Bassett, VA 24055	0.071 acres 1/168 of 11.91 acres	0.0886%	0.00059%	0.00015%	0.00669%	0.00376%
(d) William Albert Keen Heirs, Devisees, Successors or Assigns						
(d.1) Douglas W. Keen 8524 W. Drew Ct. Homosassa, FL 34447	0.071 acres 1/168 of 11.91 acres	0.0886%	0.00059%	0.00015%	0.00669%	0.00376%

Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	4 Right 0.57104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(d.2) Darrell A. Keen 8524 W. Drew Ct. Homosassa, FL 34447	0.071 acres 1/168 of 11.91 acres	0.0888%	0.00059%	0.00015%	0.00669%	0.00376%
(d.3) Bessie Aline Keen Heirs, Devises, Successors or Assigns						
(d.3.1) Shirley Perry 8091 Red Root Ridge Rd. Raven, VA 24639	0.018 acres 1/672 of 11.91 acres	0.0222%	0.00015%	0.00004%	0.00167%	0.00094%
(d.3.2) Barbara Smith 6091 Red Root Ridge Rd. Raven, VA 24639	0.018 acres 1/672 of 11.91 acres	0.0222%	0.00015%	0.00004%	0.00167%	0.00094%
(d.3.3) Joyce Nipper 1111 Nipper Road Raven, VA 24639	0.018 acres 1/672 of 11.91 acres	0.0222%	0.00015%	0.00004%	0.00167%	0.00094%
(d.3.4) Melvin Catron Heirs, Devises Successors or Assigns						
(d.3.4.1) Kristy Lynn Catron 84 West Meadow Street Hazel Park, MI 48030	0.004 acres 1/2688 of 11.91 acres	0.0055%	0.00004%	0.00001%	0.00042%	0.00023%
(d.3.4.2) Alyssa Marie Catron 39 East Harry Street Hazel Park, MI 48030	0.004 acres 1/2688 of 11.91 acres	0.0055%	0.00004%	0.00001%	0.00042%	0.00023%
(d.3.4.3) Emily Edna Dutkiewicz 30103 Callahan Drive Roseville, MI 48068	0.004 acres 1/2688 of 11.91 acres	0.0055%	0.00004%	0.00001%	0.00042%	0.00023%
(d.3.4.4) Kaitlynn Williams 3542 Hwy 511 Corbin, KY 20701	0.004 acres 1/2688 of 11.91 acres	0.0055%	0.00004%	0.00001%	0.00042%	0.00023%
(e) Lillie Mae Cook 141 Virginia Street Kingsport, TN 37660	0.213 acres 1/56 of 11.91 acres	0.2858%	0.00178%	0.00045%	0.02008%	0.01128%
(f) Georgia Keen 107 Pinewood Acre Drive Powells Point, NC 27968	0.213 acres 1/56 of 11.91 acres	0.2858%	0.00178%	0.00045%	0.02008%	0.01128%
(g) Bonnie Absher P.O. Box 835 Richlands, VA 24841	0.213 acres 1/56 of 11.91 acres	0.2858%	0.00178%	0.00045%	0.02008%	0.01128%
(h) Ruby Stanley Heirs, Devises, Successors or Assigns						
(h.1) Ruth Ann Hunt Heirs, Devises, Successors or Assigns						
(h.1.1) Sandra Hunt Conner Heirs, Devises, Successors or Assigns						
(h.1.1.1) Roger W. Conner 761 Centerville Rd. Axtion, VA 24054	0.021 acres 1/560 of 11.91 acres	0.0266%	0.00018%	0.00005%	0.00201%	0.00113%
(h.1.2) Kimberly Hunt Kidd 128 Susan Drive Collinsville, VA 24078	0.021 acres 1/560 of 11.91 acres	0.0266%	0.00018%	0.00005%	0.00201%	0.00113%
(h.2) Ariene Gilbert Heirs, Devises, Successors or Assigns						
(h.2.1) Fred Gilbert Heirs, Devises, Successors or Assigns						
(h.2.1.1) Lisa M. Resnake 1498 Mundy Town Road N. Tazewell, VA 24630	0.043 acres 1/280 of 11.91 acres	0.0532%	0.00036%	0.00009%	0.00402%	0.00226%
(h.3) William E. Stanley, Jr. 326 Greyson Street Martinsville, VA 24112	0.043 acres 1/280 of 11.91 acres	0.0532%	0.00036%	0.00009%	0.00402%	0.00226%

Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(h.4) James H. Stanley 25 Raceway Drive Bassett, VA 24055	0.043 acres 1/280 of 11.91 acres	0.0532%	0.00036%	0.00009%	0.00402%	0.00226%
(h.5) Victoria Webb 326 Greyson Street Martinsville, VA 24112	0.043 acres 1/280 of 11.91 acres	0.0532%	0.00036%	0.00009%	0.00402%	0.00226%
(5) George Bell Short Clifton Heirs, Devisees, Successors or Assigns						
(a) Shelby Jean Vandyke Heirs, Devisees, Successors or Assigns						
(a.1) Darrell Vandyke PO Box 540 Pounding Mill, VA 24637	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(a.2) Rita McGlothlin 4815 Red Root Ridge Raven, VA 24639	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(a.3) Gerald Vandyke 107 Carson Ave., Apt 23 Richlands, VA 24841 <i>(BAD ADDRESS - On Hold in P2 for updated information)</i>	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(a.4) Dennis Vandyke (Incarcerated) c/o Rita McGlothlin 4815 Red Root Ridge Raven, VA 24639	0.213 acres 1/56 of 11.91 acres	0.2658%	0.00178%	0.00045%	0.02008%	0.01128%
(b) Frances Stella Gross P.O. Box 285 Richlands, VA 24841	0.851 acres 1/14 of 11.91 acres	1.0634%	0.00714%	0.00180%	0.08030%	0.04511%
(6) Harry Neal Keen Heirs, Devisees, Successors or Assigns						
(a) Larry Roger Keen P.O. Box 635 Keen Mountain, VA 24639	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(b) Camica Keen 4777 Hale Creek Road Pilgrims Knob, VA 24634	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(c) Philip Keen P.O. Box 215 Wytheville, VA 24383	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(d) Eddie Keen PO Box 29 Raven, VA 24639	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(e) Remus Keen Box 570 Doran, VA 24512	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(f) Richard Keen P.O. Box 431 Oakwood, VA 24624	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(g) Inez J. Acklin 332 Mary Street Bristol, VA 24201	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(h) Janice Cook 2914 Clarks Valley Rd. Swords Creek, VA 24849	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(i) Harry D. Keen Heirs, Devisees, Successors or Assigns						
(i.1) Beaula Honaker Jarvins 1411 E. Chestnut St. Lancaster, OH 43130	0.189 acres 1/63 of 11.91 acres	0.2363%	0.00159%	0.00040%	0.01784%	0.01002%
(7) James Henry Keen Heirs, Devisees, Successors or Assigns						

Exhibit EE
Unit W-34
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	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(a) Dexter Keene 102 Painter Street Tazewell, VA 24851	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%
(b) Dorothy Clifton P.O. Box 123 Springdale, WV 25986	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%
(c) Zelvia Keen Deceased - No heirs						
(d) William Keen, Jr. P.O. Box 481 Mabscot, WV 25871	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%
(e) Della Monk Lancaster 825 Prater Drive Richlands, VA 24641	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%
(f) Audrey Law 102 Loblolly Lane Stafford, VA 22554	0.284 acres 1/42 of 11.91 acres	0.3545%	0.00238%	0.00060%	0.02677%	0.01504%

INSTRUMENT #120001618
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 8, 2012 AT 09:23AM
BEVERLY S. TILLER, CLERK
RECORDED BY: GGB